IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21963 of 2004

Between:

Andhra Binny Rice Mill, Bodhan, rep. by its

Prop: Syed Mumtaz Ahmed S/o Syed Abbas,
R/o Aurangabad, Presently at R/o 1-1-1184, Rakasipeta,

Bodhan, Nizamabad District.

..... PETITIONER

AND

1 The Northern Power Distribution Company Ltd, Warangal,

rep. by its Managing Director.
2 The Divisional Engineer, Electricals, Operation,
Northern Power Distribution Company Ltd,

A.P. Nizamabad District.
3 The Assistant Divisional Engineer, Electricals, Operation,
Northern Power Distribution Company Ltd, A.P.

Bodhan,Nizamabad District.
4 The Assistant Engineer, Electricals, Operation,
Northern Power Distribution Company Ltd, A.P.

Banswada,Nizamabad District.
5 Valluri Ramulu, S/o Rathayya,
R/o H.No. 2-5-1, Salura Base, Bodhan, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of Mandamus directing the respondents herein to disconnect the supply of electrical energy to the petitioner

Rice Mill which was given vide S.C.No. 8980 pursuant to the Agreement executed by the petitioner rice mill as per the terms and conditions of supply of electrical energy by duly declaring the communication made by the 3rd respondent vide Letter No. ADE/OP/Bodhan/D.No. 952/2004-05, dt. 24-8-2004 stating that question of disconnection is not possible since there are no dues of electrical consumption charges in respect of the Service Connection No. 8980 and also in view of objections raised by the 5th respondent not to disconnect the power supply is nothing but arbitrary unjustified and contrary to the terms and conditions of supply of electrical energy to the petitioner Mill.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondents 1to 4: SMT.M.VINOBHA DEVI

Counsel for the Respondent No.5: None appeared

The Court at the admission stage made the following :

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ORDER:

The petitioner is a Rice Mill, which was established in Nizamabad District. The petitioner availed the financial assistance from Andhra Pradesh State Financial Corporation, and on account of default, the unit was sold. The petitioner submitted a representation on 11.08.2004 to the third respondent requesting him to disconnect the power supply to the Mill. The third respondent replied through letter, dated 24.08.2004, stating that when steps were taken to disconnect the power supply in S.C.No.8980, Bodhan, there was objection from the occupant of the Mill and in that view of the matter, the request of the petitioner cannot be acceded to.

Learned counsel for the petitioner submits that once the petitioner ceased to be the owner or occupant of the mill, the power connection cannot be permitted to stand in

the name of the petitioner, nor he be made to incur any liability on account of the same.

Learned Standing Counsel for the respondents, on the other hand, submits that the Mill was sold in auction by the Andhra Pradesh State Financial Corporation together with the electricity supply connection and to snap the same at the instance of the petitioner would give rise to several complications.

It is not in dispute that the petitioner ceased to be the owner or occupant of the Mill to which power is supplied through S.C.No.8980. The petitioner categorically states that it no longer needs the supply at that place and the same be disconnected forthwith. There should not have been any plausible objection for the respondents in acceding to the request of the petitioner. However, if the respondents are of the view that the supply needs to be continued, the petitioner cannot be held liable to pay consumption charges, nor be made to suffer any disqualification in seeking fresh supply at a different place.

Hence, the writ petition is disposed of directing that the continuance of the power supply through S.C.No.8980, Bodhan, shall be without prejudice to the rights of the petitioner to seek power supply at any other place, nor shall he be held responsible for the consumption of power through that service. There shall be no order as to costs.

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30.11.2004

Jsu

Note: Issue C.C. in one week.

(B/o)

Jsu

To

1 The Managing Director, Northern Power Distribution

Company Ltd, Warangal.

2 The Divisional Engineer, Electricals, Operation,
Northern Power Distribution Company Ltd,

A.P. Nizamabad District.

3 The Assistant Divisional Engineer, Electricals, Operation,
Northern Power Distribution Company Ltd, A.P.

Bodhan,Nizamabad District.

4 The Assistant Engineer, Electricals, Operation,
Northern Power Distribution Company Ltd, A.P.

Banswada,Nizamabad District.

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